

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

CURTIS E. BLACKWELL, II,

Plaintiff,

v.

Hon. Janet T. Neff

LOU ANNA K. SIMON, et al.,

Case No. 1:18-cv-1261

Defendants.

ORDER

A district court may assess sanctions against parties “under its inherent power when a party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons...or when conduct is tantamount to bad faith.” *Metz v. Unizan Bank*, 655 F.3d 485, 489 (6th Cir. 2011) (citation omitted). A district court also “has the inherent power to sanction a party when that party exhibits bad faith, including the party’s refusal to comply with the court’s orders.” *Youn v. Track, Inc.*, 324 F.3d 409, 420 (6th Cir. 2003). “[A] court’s reliance upon its inherent authority to sanction derives from its equitable power to control the litigants before it and to guarantee the integrity of the court and its proceedings.” *First Bank of Marietta v. Hartford Underwriters Ins. Co.*, 307 F.3d 501, 512 (6th Cir. 2002). “Even if there were available sanctions under statutes or various rules in the Federal Rules of Civil Procedure ... the inherent authority of the Court is an independent basis for sanctioning bad faith conduct in litigation.” *Id.* at 511 (footnote omitted).

Defendants Lou Anna Simon, Mark Hollis, and Mark Dantonio filed a motion to strike and for sanctions. (ECF No. 180.) Plaintiff Blackwell’s response is due on February 18, 2020. As part of that response, Plaintiff is ordered to show cause why he and his counsel should not be sanctioned as Defendants request—up to and including removal of both counsel of record and

dismissal—under Rule 11 and the Court’s inherent power to sanction a party for acting in bad faith based on Plaintiff’s filings in ECF Nos. 173 and 183. In addition, Plaintiff’s counsel shall certify as part of that filing that they served a copy of this order on their client, Plaintiff Blackwell.

IT IS SO ORDERED.

Dated: February 10, 2020

/s/ Sally J. Berens
SALLY J. BERENS
U.S. Magistrate Judge